

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1800

Introduced by Assembly Member Alejo

February 18, 2014

An act ~~relating to the Legislature~~ to add Section 8924.7 to, and to add Chapter 1.5 (commencing with Section 8050) to Division 1 of Title 2 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1800, as amended, Alejo. ~~Legislature: California Capitol Law Fellows Program. California Law Fellowship Program.~~

Existing law authorizes certain internship and fellowship programs, as specified.

This bill would establish the California Law Fellowship Program for the purpose of offering licensed attorneys limited-term placement opportunities in public sector legal positions within the executive, legislative, and judicial branches of state government and encouraging each participating attorney to seek permanent employment in the public sector at the conclusion of his or her fellowship, as specified.

Existing law, commonly known as the Code of Ethics, prohibits a Member of the Legislature or an employee of either house of the Legislature from receiving or agreeing to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance, or other matter related to the legislative process, except for specified circumstances.

This bill would provide that the services of an attorney participating in the California Law Fellowship Program are not compensation, a reward, or a gift to a Member of the Legislature for purposes of the

so-called Code of Ethics. The bill would also provide that an attorney participating in the program is not an employee of either house of the Legislature for purposes of the Code of Ethics.

~~Existing law authorizes certain internship and fellowship programs, as specified.~~

~~This bill would declare the intent of the Legislature to enact legislation that would authorize the establishment of a California Capitol Law Fellows Program for specified purposes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Chapter 1.5 (commencing with Section 8050) is*
2 *added to Division 1 of Title 2 of the Government Code, to read:*

3
4 *CHAPTER 1.5. CALIFORNIA LAW FELLOWSHIP PROGRAM*
5

6 8050. (a) *The California Law Fellowship Program is hereby*
7 *established.*

8 (b) *The purpose of the program is to offer licensed attorneys*
9 *limited-term placement opportunities in public sector legal*
10 *positions within the executive, legislative, and judicial branches*
11 *of state government. The program shall provide each participating*
12 *attorney with the opportunity to practice law in the public sector*
13 *and shall encourage each participating attorney to seek permanent*
14 *employment in the public sector at the conclusion of the fellowship.*

15 (c) *The placement of a participating attorney with a*
16 *participating state agency shall be contingent on that state*
17 *agency's acceptance of the attorney, according to criteria adopted*
18 *by the participating state agency for purposes of the program.*

19 (d) (1) *It is the intent of the Legislature that participation in*
20 *the program by an attorney or state agency, or by a public official*
21 *within a state agency, shall not constitute a gift of public money*
22 *or thing of value for purposes of Section 6 of Article XVI of the*
23 *California Constitution, a gift for purposes of the Political Reform*
24 *Act of 1974 (Title 9 (commencing with Section 81000)), or a gift,*
25 *bequest, or favor for purposes of the Code of Judicial Ethics*
26 *adopted pursuant to subdivision (m) of Section 18 of Article VI of*
27 *the California Constitution.*

1 (2) *To the extent feasible, the program shall be designed and*
2 *administered to accomplish the Legislature’s intent as specified*
3 *in this subdivision.*

4 (e) *State funds shall not be used to administer the program.*

5 (f) *For purposes of this section, “program” means the California*
6 *Law Fellowship Program.*

7 SEC. 2. *Section 8924.7 is added to the Government Code, to*
8 *read:*

9 8924.7. (a) *The Legislature finds and declares that the*
10 *California Law Fellowship Program, established pursuant to*
11 *Chapter 1.5 (commencing with Section 8050) of Division 1,*
12 *establishes a formal fellowship program that provides substantial*
13 *public benefits to the Legislature as a participating state agency.*

14 (b) *The services of an attorney participating in the California*
15 *Law Fellowship Program, whose placement with the Legislature*
16 *is accepted by the Senate Committee on Rules, the Assembly*
17 *Committee on Rules, or the Joint Committee on Rules, as*
18 *appropriate, are not compensation, a reward, or a gift to a Member*
19 *of the Legislature for purposes of paragraph (4) of subdivision (b)*
20 *of Section 8920.*

21 (c) *An attorney participating in the California Law Fellowship*
22 *Program, whose placement with the Legislature is accepted by the*
23 *Senate Committee on Rules, the Assembly Committee on Rules, or*
24 *the Joint Committee on Rules, as appropriate, is not an employee*
25 *of either house of the Legislature for purposes of this article.*

26 ~~SECTION 1. It is the intent of the Legislature to enact~~
27 ~~legislation that would authorize the establishment of a California~~
28 ~~Capitol Law Fellows Program for the following purposes:~~

29 ~~(a) To encourage knowledgeable and educated law school~~
30 ~~students and staff with legal backgrounds to participate in and~~
31 ~~learn about the legislative process by being placed in a legislator’s~~
32 ~~office.~~

33 ~~(b) To provide Members of the California Legislature with~~
34 ~~subject matter-specific legal advice so that they can make informed~~
35 ~~decisions on multifaceted policy issues having increasingly~~
36 ~~complex and interrelated components that rely on legal and judicial~~
37 ~~decisions, including issues relating to labor law, business law,~~
38 ~~administrative law, housing law, and public safety.~~